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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,048	06/24/2003	Michael J. Kopshever SR.	45,024	8142

28309 7590 12/14/2004

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,048

Applicant(s)

KOPSHEVER, MICHAEL J.

Examiner

Phi D A

Art Unit

3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (6694698) in view of Vanderveer (2327681).

Ryan shows a tower reinforcement apparatus comprising an upper collar assembly (2A, figure 2) parallel with a lower collar assembly (2B, figure 2), the upper assembly is spaced at a selected distance from the lower assembly, a plurality of flat bars (32a-f, 38a-e) attached to the upper and lower collar assemblies, securing means (40s) to attach the upper and lower collar assemblies to a tower, the flat bars being vertically positioned between the upper and lower assemblies, the upper collar assembly comprising first and second upper collars, the first and second upper collars each comprising an upper collar mount plate disposed on opposite ends, the upper collar mount plates of the first upper collar being joined with the upper collar mount plates of the second upper collar to form the upper collar assembly, the lower collar assembly comprising first and second lower collars, the first and second lower collars each comprising a lower collar mount plate disposed on opposite ends, the lower collar mount plates of the first lower collar being joined with the lower collar mount plates of the second lower collar to form the lower collar assembly, the upper and lower collar assemblies being formed to wrap around the tower, the upper and lower assemblies each further comprising a plurality of tab plates (34a) sized to receive the flat bars, the flat bars vertically extend the selected distance between the

Art Unit: 3637

upper and lower assemblies, an end of the flat bar is fixedly received by the tab plates, a base flange (12) positioned at lower end of the tower, the flange comprising a plurality of brackets (the openings/slots at the bottom of figure 1) sized to receive the flat bar.

Ryan does not show at least one ring disposed between the upper and lower assemblies, the ring encircles the flat bars and the tower so that the bars being held in compression with the tower.

Vanderveer shows at least one ring (9) disposed between the upper and lower assemblies (17), the ring encircles the flat bars (4) and the tower so that the bars being held in compression with the tower.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ryan's structure to show at least one ring disposed between the upper and lower assemblies, the ring encircles the flat bars and the tower so that the bars being held in compression with the tower because it would enhance the securement of the flat bars to the tower and further compress the bars against the tower as taught by Vanderveer.

Per claim 11, Ryan as modified by Vanderveer shows at least one ring being parallel to the upper and lower assemblies.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (6694698) in view of Vanderveer (2327681) as applied to claim 1 above and further in view of Guilbeault (5974744).

Ryan as modified shows all the claimed limitations except for the securing means comprising a plurality of mounting block having a flat portion that is secured to an outer surface of the tower and an inner surface of the upper or the lower collar assembly.

Guilbeault shows securing means comprising a plurality of mounting blocks (36) having a flat portion that is secured to an outer surface of the tower and an inner surface of the upper or the lower collar assembly to increase the thickness of the securing means.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ryan's modified structure to show the securing means comprising a plurality of mounting block having a flat portion that is secured to an outer surface of the tower and an inner surface of the upper or the lower collar assembly because it would increase the enhance the securing of the assemblies to the tower per the increase in thickness as taught by Guilbeault.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (6694698) in view of Vanderveer (2327681) and Guilbeault (5974744).

Ryan as modified shows all the claimed limitations except for the blocks being secured by welding.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ryan's modified structure to show the blocks being secured by welding because welding, gluing, nailing, screwing, roping etc...are well known means of attaching parts together.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (6694698) in view of Vanderveer (2327681).

Ryan as modified shows all the claimed limitations except for the at least one ring being spaced apart at intervals of approximately two feet.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ryan's modified structure to show the at least one ring being spaced apart at intervals of approximately two feet because it would have been an obvious matter of engineering design choice to have the spacing at approximately two feet as it is up to the designer to select a distance that would provide strong and sufficient compression of the flat bars to the tower.

6. Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (6694698) in view of Vanderveer (2327681) and Guilbeault (5974744).

Ryan shows a tower reinforcement apparatus comprising an upper collar assembly (2A, figure 2) including a plurality of tab plates, a lower collar assembly (2B, figure 2) including a plurality of tab plates, the upper and lower assemblies being parallel, the upper assembly is spaced at a selected distance from the lower assembly, the upper and lower collar assemblies being formed to wrap around the tower, a plurality of flat bars (32a-f, 38a-e) attached to the upper and lower collar assemblies, one end of the flat bars being attached to the upper tab plates of the upper collar assembly and an opposite end of the flat bar being attached to the lower tab plates of the lower collar assembly, the flat bars being vertically positioned between the upper and lower assemblies, the upper collar assembly comprising first and second upper collars, the first and second upper collars each comprising an upper collar mount plate disposed on opposite ends, the upper collar mount plates of the first upper collar being joined with the upper collar mount plates of the second upper collar to form the upper collar assembly, the lower collar assembly comprising first and second lower collars, the first and second lower collars each comprising a lower collar mount plate disposed on opposite ends, the lower collar mount plates of the first lower collar being joined with the lower collar mount plates of the second lower

Art Unit: 3637

collar to form the lower collar assembly, the flat bars vertically extend the selected distance between the upper and lower assemblies, a base flange (12) positioned at lower end of the tower, the flange comprising a plurality of brackets (the openings/slots at the bottom of figure 1) sized to receive the flat bar.

Ryan does not show at least one ring disposed between the upper and lower assemblies, the ring encircles the flat bars and the tower so that the bars being held in compression with the tower, a plurality of mounting blocks between the upper assembly and the tower, and between the lower assembly and the tower.

Vanderveer shows at least one ring (9) disposed between the upper and lower assemblies (17), the ring encircles the flat bars (4) and the tower so that the bars being held in compression with the tower.

Guilbeault shows a plurality of mounting blocks (36) having a flat portion that is secured to an outer surface of the tower and an inner surface of the upper or the lower collar assembly to increase the thickness of the securing means.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ryan's structures to show at least one ring disposed between the upper and lower assemblies, the ring encircles the flat bars and the tower so that the bars being held in compression with the tower, a plurality of mounting blocks between the upper assembly and the tower, and between the lower assembly and the tower because having the mounting blocks between the upper/lower assembly and the tower would increase the enhance the securing of the assemblies to the tower per the increase in thickness as taught by Guilbeault, and having the

Art Unit: 3637

rings would enhance the securement of the flat bars to the tower and further compress the bars against the tower as taught by Vanderveer.

Per claim 21, Ryan as modified by Vanderveer shows at least one ring being parallel to the upper and lower assemblies.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different tower reinforcement apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

12/10/04